

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Henry Lee SMITH Jr.

Case: 2:22-mj-30287

Assigned To : Unassigned

Assign. Date : 6/22/2022

CMP: USA v HENRY SMITH (MAW)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 22, 2022 in the county of Oakland in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 922(g)(1)	Felon in possession of a firearm
21 U.S.C. § 841(a)	Possession of a controlled substance
18 U.S.C. § 924(c)	Possession of a firearm in furtherance of a drug trafficking crime

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

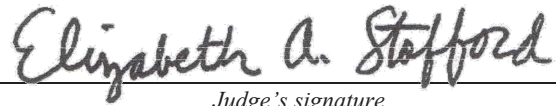
Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: June 22, 2022

City and state: Detroit, Michigan


Complainant's signature

Special Agent Brett J. Brandon, ATF
Printed name and title


Judge's signature

Hon. Elizabeth A. Stafford, U.S. Magistrate Judge
Printed name and title

AFFIDAVIT IN SUPPORT OF
A CRIMINAL COMPLAINT

I, Brett J. Brandon, being first duly sworn, hereby state:

1. I have been a Special Agent with the Bureau of Alcohol, Tobacco, Firearms, and Explosives, United States Department of Justice, assigned to the Detroit Field Division since July 2013. I graduated from the Criminal Investigator Training Program and the ATF Special Agent Basic Training Program at the Federal Law Enforcement Training Center in Glynco, Georgia. During my employment with ATF, I have conducted and/or participated in numerous criminal investigations focused on firearms, drug trafficking violations, and criminal street gangs.

2. I am currently assigned to the Oakland County Sheriff's Office (OCSO) Pontiac Substation and tasked with investigating violent firearm crimes committed within the city of Pontiac. During my employment with ATF, I have conducted and/or participated in over 100 criminal investigations involving the possession and use of firearms, drug trafficking violations, and criminal street gangs.

3. I make this affidavit from personal knowledge based on my participation in this investigation, including interviews conducted by myself and/or other law enforcement agents, communications with others who have personal

knowledge of the events and circumstances described herein, and information gained through my training and experience.

4. ATF is currently conducting a criminal investigation concerning Henry Lee SMITH Jr. (DOB: XX/XX/1991). Probable cause exists that SMITH, a felon, possessed a firearm, methamphetamine, and was in possession of a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. §§ 922(g)(1) and 924(c) and 21 U.S.C. § 841(a).

PROBABLE CAUSE

5. A review of SMITH's criminal history revealed the following felony convictions:

- a. October 5, 2007 - felony Carrying a Concealed Weapon, Sixth Judicial Circuit Court, Oakland County;
- b. July 22, 2009 - felony Receiving and Concealing Stolen Property - Motor Vehicle and felony Third Degree Fleeing and Eluding, Sixth Judicial Circuit Court, Oakland County. SMITH was sentenced to sixteen months to five years in prison; and
- c. September 27, 2016 - felony Possession of a Controlled Substance less than 25 grams (cocaine, heroin, or another narcotic), Sixth Judicial Circuit Court, Oakland County.

6. On June 3, 2022, I obtained federal search warrants for a Pen Register/Trap and Trace, E-911 and geolocation information, and call detail records associated with SMITH's phone number (248) xxx-xx44.

7. Historical cell phone records, pen register data, and GPS pings, on or about May and June 2022, connected SMITH's cellular device to an area that included 61 Grantour, Pontiac, Eastern District of Michigan. Agents and Oakland County Sheriff's Office (OCSO) detectives conducted surveillance and observed SMITH coming and going from the residence on several occasions, including June 15, 2022, and June 16, 2022.

8. On June 16, 2022, I obtained a federal search warrant for 61 Grantour Court in Pontiac.

9. On June 21, 2022, beginning at approximately 10:30 p.m., GPS ping data placed SMITH's cellular device in an area that included 61 Grantour Court.

10. On June 22, 2022, at approximately 9:30 a.m., the ATF and OCSO executed the federal search warrant for 61 Grantour Court. Upon entry, agents encountered SMITH in the hallway leading to the only bedroom in the residence, three juvenile occupants in the family room, a male named Kimani Poston laying on the floor in the dining room, and SMITH's mother and her boyfriend in the bedroom.

11. Agents recovered the following items from the bedroom:

- a. From the closet and inside a vacuum box, one black Daniel Defense DDM-M4 5.56 caliber rifle bearing serial number “DDM4122861” loaded with (1) one round of .223 caliber ammunition in the chamber; and (2) one thirty round magazine inserted in the firearm. The thirty round magazine was taped to a double-stacked thirty round magazine with blue painter’s tape. The magazines contained a total of thirty-five rounds of .223 caliber ammunition;
- b. Also located in the vacuum box was one black Ruger 9mm pistol bearing serial number “86045666” loaded with one round in the chamber. Fifteen rounds were found in a seventeen round magazine which was inserted in the firearm;
- c. Next to the vacuum box was one black Landor Arms BPX902 12-gauge shotgun bearing serial number “BPX03496” loaded with five rounds of 12-gauge ammunition;
- d. Inside a suitcase was the following:
 - i. one brick of suspected crystal methamphetamine, in a clear vacuum sealed bag inside a black plastic bag, that weighed 427 gross grams;
 - ii. dozens of rounds of multi-caliber ammunition; and

- iii. clothing that agents and detectives observed SMITH wearing while at the residence on June 15 and 16, 2022.

12. Below is a photograph of the firearms and suspected crystal methamphetamine seized from the apartment:



13. Agents conducted an audio-recorded post-Miranda interview of SMITH's mother. SMITH's mother indicated that the firearms and suitcase belonged to SMITH. She previously instructed SMITH to remove the firearms from her residence.

14. At the completion of the search, agents advised SMITH's mother about the methamphetamine located in the apartment. SMITH's mother knew nothing about the presence of methamphetamine in her apartment.

15. Agents also located a black iPhone with a cracked screen on the kitchen table. Agents called the phone number associated with SMITH's cellular device and confirmed it was SMITH's cellular device.

16. Based on my training and experience, SMITH knew he was a felon based on the prison sentence imposed for his Receiving and Concealing Stolen Property - Motor Vehicle and felony Third Degree Fleeing and Eluding convictions.

CONCLUSION

17. Probable cause exists that Henry Lee SMITH Jr. (DOB: XX/XX/1991), a convicted felon who knew he was a felon, knowingly and intentionally possessed firearms, in violation of 18 U.S.C. § 922(g)(1).

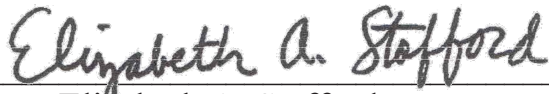
18. Probable cause exists that SMITH possessed the 427 gross grams of crystal methamphetamine, in violation of 21 U.S.C. § 841(a). Further, the combination of the firearms and the methamphetamine, attributable to SMITH, established probable cause that SMITH possessed a firearm in furtherance of a drug trafficking crime, in violation of 18 U.S.C. § 924(c).

Respectfully submitted,



Brett J. Brandon
ATF Special Agent

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. Elizabeth A. Stafford
United States Magistrate Judge

Dated: June 22, 2022